THE CITY OF NEW YORK

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September 3, 2008

BY FACSIMILE

Hon. John G. Koeltl
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1030
New York, New York 10007

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Re: In the Matter of Stephanie Warren v. New York City Dep't of Educ.,
       07 Civ. 9812 (JGK)

Dear Judge Koeltl:

I am the Assistant Corporation Counsel representing Defendant New York City Department of Education ("DOE") in the above refe renced matter. I write in response to Plaintiff's letter of August 28, 2008 regarding Plaintiff's request therein that Point IV of DOE's Reply Memorandum of Law ("Reply") be stricken, or, in the alternative, that Plaintiff be permitted to submit a sur-reply memorandum of law.

Although the DOE was attempting to respond to arguments by Plaintiff and the Amicus organizations about the doctrine expressed in dicta in Connors v. Mills, the DOE recognizes that its argument in Point IV of its Reply could be read as an improper challenge of the Impartial Hearing Officer's finding of fact with respect to Plaintiff's financial need, since this finding was not appealed below. As such, and because Point IV is in no way an essential supplement to what appears in the rest of its moving papers in this matter, the DOE hereby withdraws Point IV of its reply and requests leave from the Court to file an Amended Reply that will be identical to the Reply filed on August 25, 2008, except with Point IV deleted.

Application denied.
It is unnecessary to file an amended Reply.
Point IV is stricken on consent.
S O Ordered.
JG Koeltl
9/3/08   U.S.D.J.

Thank you for your consideration of this matter.

Respectfully,

David A. Rosinus, Jr. (DR 2311)
Assistant Corporation Counsel

cc: Anton Papakhin, Esq. (by fax)
       Timothy Mahoney, Esq. (by fax)
       Attorneys for Plaintiff

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